

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ALVION PROPERTIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	NO. 3:08-0866
	)	Judge Trauger/Bryant
BERND H. WEBER, et al.,	)	<b>Jury Demand</b>
	)	
Defendants.	)	

**To: The Honorable Aleta A. Trauger**

**REPORT AND RECOMMENDATION**

Pending before the Court is the motion by defendants Bernd H. Weber and Claude J. Chauveau to dismiss pleadings of plaintiff Alvion Properties (Docket Entry No. 279). As grounds for this motion, these defendants assert that the corporate plaintiff, Alvion Properties, Inc. was not represented by a licensed attorney who is a resident of or has his principal law office in the State of Tennessee, as required by Local Rule 83.01(h). (Plaintiffs were, however, represented by Darrell Dunham, an attorney from Carbondale, Illinois, who has been admitted *pro hac vice* in this action.)

Since the filing of defendants' motion, attorney Samuel F. Hudson, a member of the Bar of the State of Tennessee authorized to practice before this Court has entered his appearance on behalf of all three plaintiffs (Docket Entry No. 324).

**RECOMMENDATION**

For the foregoing reason, the undersigned Magistrate Judge **recommends** that defendant Weber and Chauveau's motion to

dismiss the pleadings of Alvion Properties, Inc. (Docket Entry No. 279) be **denied** as moot.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

**ENTERED** this 23rd day of December 2010.

s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge